

**Notice of Allowability**

Application No.

09/845,084

Examiner

David Lazaro

Applicant(s)

MANTEGNA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 01/16/2007.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 1/16/07
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

  
SALEH RAJJAR  
SUPERVISORY PATENT EXAMINER  
SUPERVISORY PATENT EXAMINER

  
David Lazaro  
February 01, 2007

***Allowable Subject Matter***

1. Claims 1-35 allowed.
2. The rejection of claim 32 under 35 U.S.C. 112, second paragraph is withdrawn based on applicant's amendment.
3. The rejections of claims 27-35 under 35 U.S.C. 101 are withdrawn based on applicant's amendment.
4. The following is an examiner's statement of reasons for allowance: The primary reasons for allowance are the inclusion of the following limitations in the independent claims 1, 10, 17 and 27, directed towards a method (and corresponding computer program and system) for temporal drift correction in a real-time electronic communication:

“ weighting the comparison result with a parameter that relates to and amplifies a perceived value of temporal drift;

determining, based on the comparison weighted with the parameter, a number of samples to be inserted in or removed from a playback data block; and

modifying the playback data block by inserting or removing a number of samples that is based on the determined number of samples” (from claim 1, similar limitations in claims 10, 17)”

*and*

“ weighting the comparison result with a parameter that relates to and amplifies a perceived value of temporal drift;

dividing the weighted comparison result by a number of nominal playback blocks in the data buffer;

determining, based on the comparison result weighted with the parameter and divided by the number of nominal playback blocks, a number of samples to be inserted in or removed from a playback data block; and

modifying the playback data block by inserting or removing a number of samples that is based on the determined number of samples,

wherein: the comparing, weighting and determining are performed in accordance with the formula  $TD[i] = CF * (AS[i] - N_s) / N_b$  (from claim 27)

This subject matter is not found in the prior art, nor is it obvious in view of the prior art..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The IDS filed 01/16/2007 has been considered by the examiner.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. U.S. Patent 6,259,677 by Jain "Clock Synchronization and Dynamic Jitter Management for voice over IP and real-time data" July 10, 2001. Discloses the use of

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adaptive playout delay for jitter management. Does not disclose the novel aspects discussed in the reasons for allowance above.

8. U.S. Patent 6,389,032 by Cohen "Internet Voice Transmission" May 14, 2002.

Discloses a variable size buffer that is adjusted based on features of the data flow.

Does not disclose the novel aspects discussed in the reasons for allowance above.

9. U.S. Patent 6,859,460 by Chen "System and method for providing multimedia jitter buffer adjustment for packet-switched networks" February 22, 2005. Compares

the arrival time and playback time of data in order to make determinations related to


adjusting the depth of a jitter buffer. Does not disclose the novel aspects discussed in the reasons for allowance above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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February 1, 2007



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